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Serial No. 10/673,276

Attorney Docket No. 26E-003-RCE

REMARKS

Claims 1, 4, 5, 8, 9, 12-14, 18 and 19 are pending. Claims 2, 3, 6, 7, 10, 11 and 15-17 have been canceled. Claims 4, 5, 13 and 14 have been withdrawn. The applicant respectfully requests reconsideration and allowance of this application in view of the above amendments and the following remarks.

The specification was objected to for using "moulding," which is not spelled in the customary way. This has been corrected.

Claims 1-3, 8, 9, 11, 12 and 15-17 were rejected under 35 USC 112, second paragraph, as being indefinite. Claims 2, 3, 11 and 15-17 have been canceled and will not be discussed. As for claims 1, 8, 9, and 12, the applicant respectfully requests that this rejection be withdrawn for the following reasons.

Claim 1 was said to be indefinite for not being clear as to whether the door frame is part of the door or in addition to the door. The preamble of claim 1 has been reworded to clarify that the door frame is a frame of a door. Therefore, claim 1 is considered to be fully definite, and this rejection should be withdrawn.

Claim 8 was said to be indefinite for not being clear as to whether the "outer end edge" on line 3 of claim 8 is the same "outer end edge" referred to previously. It is difficult to see how there could be any indefiniteness about this recitation. Claim 1 recites "an outer end edge of said cover member" and claim 8 recites "an outer end edge of said door frame garnish." Each recitation of "an outer end edge" is clearly defined as being part of a different named object, which leaves little possibility of confusion. The applicant requests the examiner to reconsider this rejection.

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The phrase "one end edge" was said to render claim 9 indefinite. Claim 9 has been amended to change "one end edge of said door frame garnish" to "an outer end edge of said door frame garnish." Thus, claim 9 uses the same language as claim 8. As explained above, such wording is clear and definite.

Claims 1, 2, 8, 9, 11, 15, and 16 were rejected under 35 USC 102(b) as being anticipated by Villa *et al.* Claims 2, 11, 15 and 16 have been canceled and thus will not be discussed. As for claims 1, 8, and 9, the applicant respectfully requests that this rejection be withdrawn for the following reasons.

Figure 2 of the patent to Villa *et al.* shows the state in which the door frame (upper edge 12) of the closed vehicle door 10 pushes the tubular portion of the opening weather strip (inner gasket 19). On pages 4 and 5 of the office action, it is stated that the inside wall of the protrusion of Villa *et al.* has a depression which is formed immediately adjacent to the protruding wall.

The door 10 of the patent to Villa *et al.* has a protrusion including a protruding wall, and as shown in Figure. 2 of Villa *et al.*, in the closing state of the door 10, the protruding wall of the protrusion contacts the tubular portion of the opening weather strip 19. However, in the patent to Villa *et al.*, the inside wall of the protrusion is flat and does not have a depression. The office action indicates on the last two lines of page 4 and the first line of page 5 that "said inside wall of said protrusion having a depression (not numbered, but shown in figure 2 where the inside wall transitions to meet the flange) that is formed immediately adjacent to said protruding wall". From this, it is apparent that the examiner regards the corner between the inside wall and the flange wall as the depression. However, the depression of the Villa *et al.* reference is provided away from the protruding wall and is different from the depression of the present invention, which is provided in the inside wall of the protrusion immediately adjacent to the protruding wall.

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In the seal of the Villa *et al.* patent, an inside end edge of an extending part of the glass run (gasket 17) merely contacts the flat inside wall. The inside end edge of the extending part of the glass run may project from the protruding wall due to the variations in the assembling state of the glass run to the door frame. In this case, when the door 10 is closed, the projecting inside end edge of the glass run 17 may contact the tubular portion of the opening weather strip 19.

In the present invention, as recited in claim 1, the inner end edge of the cover member is curved at an angle to the extending direction of the cover member and is seated in the depression. Therefore, when the door is closed, the inner end edge of the cover member does not contact the tubular seal portion of the opening weather strip. The patent to Villa *et al.* fails to disclose or suggest this feature. Therefore, this rejection of claims 1, 8 and 9 should be withdrawn.

Claims 3, 12, and 17 were rejected under 35 USC 103(a) as being unpatentable over Villa *et al.* and Petrelli. Claims 3 and 17 have been canceled and will not be discussed. As for claim 12, the applicant respectfully requests that this rejection be withdrawn for the following reasons.

Claim 12 depends indirectly on claim 1. Therefore, claim 1 is considered to be patentable for the reasons given above with respect to claim 1.

Further, the office action states that the Petrelli reference discloses a door seal structure comprising a door weather strip 39. The door weather strip 39 of Petrelli is provided in an outer peripheral surface of the door frame 33, but the Petrelli reference fails to disclose a cover member for covering an inside wall of the protrusion 36. Therefore, a lower part of the protrusion 36 of the door 33 is exposed to a vehicle compartment from a space defined between the glass run 37 and the tubular portion 44 of the opening weather strip (gasket 43), which degrades the appearance from the vehicle compartment.

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The office action states that it would have been obvious to one of ordinary skill in the art to provide the apparatus of Villa *et al.* with a door seal structure as taught by Petrelli. However, as described above, a combination of these references fails to satisfy the terms of the claims. That is by providing a depression in the inside wall of the protrusion of the door frame immediately adjacent the protruding wall thereof, an inner end edge of a cover member adapted to cover the inside wall of the protrusion is curved at an angle to the extending direction of the cover member and is seated in the depression. This prevents the inner end edge of the cover member from contacting and rubbing a facing tubular portion of a door weather strip.

In responding to the applicant's arguments, the examiner states that, in the Villa *et al.* reference, "The junction of the inside wall and the flange wall forms a depression in which the cover member rests. Therefore, Villa *et al.* discloses a depression in the protrusion." From this, it appears that the examiner regards the corner between the inside wall and the flange wall as the depression. As argued above, this depression in the apparatus of Villa *et al.* is provided away from the protruding wall and is different from the depression of the present invention, which is provided in the inside wall of the protrusion immediately adjacent to the protruding wall. Therefore, it is believed that the claims are patentably distinguished from the cited references.

Claims 18 and 19 are new. Claims 18 and 19 are readable on the elected species of Group III. Claims 18 and 19 are dependent on claim 1 and are thus considered to be patentably distinguished over the cited references for the reasons given above with respect to claim 1.

The applicant respectfully requests rejoinder of the withdrawn claims under 37 CFR 1.141.

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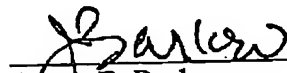
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In view of the foregoing, the applicant submits that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

If there are any problems with the payment of fees, please charge any underpayments and credit any overpayments to Deposit Account No. 50-1147.

Respectfully submitted,


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